

WILKINSON) BARKER) KNAUER) LLP

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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2300 N STREET, NW
SUITE 700
WASHINGTON, DC 20037
TEL 202.783.4141
FAX 202.783.5851
www.wbklaw.com

October 26, 2001

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BY HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445-12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: KTSO(FM), Okmulgee, Oklahoma (Facility ID No. 28850)
Petition for Rulemaking to Amend FM Table of Allotments

Dear Ms. Salas:

We hand you herewith on behalf of Shamrock Communications, Inc., an original and four (4) copies of a Petition for Rulemaking to amend the FM table of allotments to reallocate channel 231C1 from Okmulgee, Oklahoma to Glenpool, Oklahoma and to modify the station license for station KTSO(FM), Okmulgee, Oklahoma to specify Glenpool, Oklahoma, as its community of license.

Please do not hesitate to contact the undersigned directly with any questions concerning this submission.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: Christopher D. Ornelas

Enclosures

cc: Mass Media Bureau, Allocations Branch

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01-370

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20024

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OCT 26 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Amendment of Section 73.202(b))
Table of Assignments for)
FM Broadcast Stations)
Okmulgee, Oklahoma and)
Glenpool, Oklahoma)

To: The Commission

PETITION FOR RULEMAKING

Shamrock Communications, Inc., (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rulemaking proceeding to reallocate Channel 231C1 from Okmulgee, Oklahoma, to Glenpool, Oklahoma, and to modify the license of Station KTSO, Okmulgee, Oklahoma, to specify Glenpool, Oklahoma, as its community of license. This would provide Glenpool, Oklahoma with its first local broadcast service, but will not result in the removal of the only local broadcast service from Okmulgee.

<u>Community</u>	<u>Channel #'s</u>	
	<u>Present</u>	<u>Proposed</u>
Okmulgee, Oklahoma	231C1	----
Glenpool, Oklahoma	----	231C1

**CHANNEL 231C1 REALLOTMENT FROM OKMULGEE TO
GLENPOOL, OKLAHOMA**

1. KTSO, Okmulgee, Oklahoma, currently operates as one of two commercial broadcast stations in Okmulgee, Oklahoma. Okmulgee is also served by AM station KOKL, 1240 kHz, Okmulgee, Oklahoma. KOKL operates with 1000 watts day and night (unlimited 24 hour operation). As such, a change of community of license for KTSO will not result in Okmulgee being unserved by a local 24-hour broadcast service. Okmulgee is also served (with at least 60 dBu service) by at least five other commercial FM broadcast services. These services are KXBL, Henryetta, Oklahoma; KHTT, Muskogee, Oklahoma; KJSR, Tulsa, Oklahoma; KBEZ, Tulsa, Oklahoma; and KMYZ-FM, Pryor, Oklahoma. Station KTSO proposes using its current transmitter site (N. Lat. 35-50-02, W. Long. 96-07-28) as part of this proposal. As such, Okmulgee will continue to be served by at least seven aural services.

2. The new community of license proposed for KTSO, Glenpool, does not have a local broadcast facility licensed to it. Glenpool has a population of 8,123 persons based on the 2000 U.S. Census. Glenpool conforms to the Commission's policies with regard to it being a community for allotment purposes. In addition, Glenpool, Oklahoma is a substantial and sufficiently independent community, separate from the Tulsa, Oklahoma, metro area. Glenpool has its own branch of the U.S. Postal Service along with its own zip code. Glenpool has its own school district "The Glenpool Public School District." Glenpool has its own city government, including its own police department and its own volunteer fire department. Glenpool has its own public library.

3. Glenpool contains many businesses that identify themselves as being part of the community of Glenpool including, "Glenpool Eyecare," "Glenpool Auto Sales," "Glenpool Furniture," "Glenpool Building and Realty," "Glenpool Health Care Center," "Glenpool Chiropractic Clinic," and "Glenpool Flowers and Gifts." Glenpool contains three churches that identify themselves as being part of Glenpool. In addition, Glenpool is located 22 kilometers from downtown Tulsa, Oklahoma. Glenpool is 12.3 kilometers from the Tulsa city line at its nearest point. Based on all of this, Glenpool is a community that is sufficiently independent of the Tulsa urbanized area and justifies a first local service preference. Exhibit 1 is a map showing Glenpool, Oklahoma, well within the current KTSO 70 dBu contour using the current KTSO transmission site.

4. Station KTSO already provides the Tulsa, Oklahoma, Urbanized area with 60 dBu of signal coverage at most points including 60 dBu coverage of all of the City of Tulsa, Oklahoma. KTSO also covers approximately 95% of the City of Tulsa, Oklahoma with 70 dBu of signal coverage. However, Station KTSO does not now, nor will it under the proposal contained herein, place a city grade, 70 dBu contour over all or a majority of the Tulsa Urbanized area (KTSO currently covers approximately 33% of the Tulsa Urbanized Area as defined by the U.S. Department of Commerce's Tulsa Metropolitan Statistical Area, which includes the 2000 census population counts from all five Tulsa Metro counties). Under the proposal contained herein, there would be no

change in the amount of the Tulsa Urbanized area that receives 70 dBu service.¹ As such, Shamrock is not required to provide a Tuck showing.²

5. In a proceeding involving Giddings and Buda, Texas, two communities located in the Austin Urbanized Area, the FCC reallocated station KROX, from Giddings to Buda. See FCC Report and Order RM-9468 MM Docket No.99-69 Giddings and Buda, Texas (14 FCC Rcd 3561 (1999)). Similar to the instant proposal, one community was left with one local service: Giddings is also served by station KANJ. The instant proposal contemplates Okmulgee, Oklahoma, continuing to receive local service from station KOKL a full-time AM station.

6. In the case of Giddings and Buda, there was to be no decline in service area or number of listeners reached because Station KROX was not changing its transmitter location. Similarly, the instant proposal contemplates use of KTSO's current transmitter location. In the Giddings and Buda, Texas, proposal, Buda was shown to be deserving of its own allotment based on many community factors. The instant proposal to change KTSO's community of license from Okmulgee to Glenpool is further supported by the reallocation for Buda as follows: Glenpool, Oklahoma, is located 12.3 km from the Tulsa city line; Buda, Texas, is located 10 km from the

¹ It should also be noted that station KTSO currently provides city grade, 70 dBu signal coverage to more than 69% of the Tulsa Urbanized Area's current population (Census 2000). Under the proposal contained herein, there would be no change in the amount of the Tulsa Urbanized Area's population that receives 70 dBu service.

² If a station requests to change its community of license to one that is outside an urbanized area but whose signal would place a city grade, 70 dBu signal, over 50% or more of an Urbanized Area, the proponent is required to provide the same showings as currently required for those parties seeking to move to a community within an Urbanized Area. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Red. 10352 (1995). Because the instant proposal does not contemplate placing a city grade signal over 50% or more of the Tulsa Urbanized Area, this showing is not required.

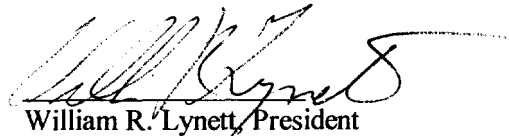
Austin city line. Glenpool is four times as large as Buda, which had a 1990 Census population of 1,795 persons. Buda and Glenpool each has its own government, police department and fire department. In addition, Glenpool has its own school district and a U.S. Post Office that contains its own zip code. These factors show that Glenpool, Oklahoma, is an independent community, and just as deserving of its own local service as is Buda, Texas.

7. Shamrock Communications, Inc. hereby requests the reallocation of Channel 231C1 from Okmulgee, Oklahoma to Glenpool, Oklahoma, as that community's first local service. Shamrock Communications, Inc. also requests modification of the License for station KTSO, Okmulgee, Oklahoma to specify Glenpool, Oklahoma, as KTSO's community of license. Shamrock Communications, Inc., if necessary, will file an appropriate license application for Channel 231C1 at Glenpool if the channel is allotted to Glenpool and KTSO's license is modified as requested herein. This request is being filed pursuant to Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

CONCLUSION

This proposal will serve the public interest by providing Glenpool, Oklahoma with its own first local service, that of Channel 231C1 with KTSO specified for operation at Glenpool. Okmulgee, Oklahoma, which currently has two local services, would retain KOKL as a local service. In conclusion, Shamrock Communications, Inc. requests this rulemaking proceeding to rearrange allotments in such a way as to provide improved service to the local communities involved, which will result in a greater benefit to the public.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William R. Lynett', is written over a horizontal line.

William R. Lynett, President
Shamrock Communications, Inc.
149 Penn Avenue
Scranton, PA 18503
570-346-6555

Petition for Rulemaking
Shamrock Communications, Inc.
Reallot Channel 231C1
Table of Assignments
KTSO, Okmulgee, Oklahoma,

EXHIBIT I

Exhibit 1

